

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CELSO VELADOR-NESTA,

Defendant.

NO. CR-05-2064-WFN

ORDER

United States Marshal Service
Action Required

Pending before the Court is the Defendant's Motion to Dismiss the Indictment. (Ct. Rec. 33). The Defendant is represented by Nicholas Marchi; Assistant United States Attorney Donald Kresse represents the Government.

In his Motion, Defendant argues that a procedural defect renders the deportation order infirm and therefore the Government will be unable to establish an essential element of the crime. The Government does not admit the allegations contained in the Defendant's motion, but concurs that the Indictment should be dismissed. Accordingly,

IT IS ORDERED that:

1. The Defendant's Motion to Dismiss the Indictment, Ct. Rec. 33, is **GRANTED**.
2. The Indictment, **Ct. Rec. 1**, is **DISMISSED**.

The District Court Executive is directed to file this Order and provide copies to counsel AND TO the United States Marshal Service.

DATED this 12th day of January, 2006.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

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ORDER